

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES ALFRED SMITH, JR.,

Petitioner,

v.

SUE DEHAAN,

Respondent.

ORDER

Case No. 22-cv-431-wmc

Petitioner James Alfred Smith, Jr. seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has submitted a motion for leave to proceed without prepayment of the filing fee. (Dkt. # 3). The court cannot consider this motion, however, because it lacks supporting documentation regarding petitioner's eligibility for indigent status. For this case to move forward, petitioner must either pay the \$5 filing fee or submit a certified inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of this habeas corpus petition. If petitioner does not submit either the \$5 filing fee or a trust fund account statement before September 29, 2022, the court will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the petition.

ORDER

IT IS ORDERED that:

1. The motion for leave to proceed without prepayment of the filing fee (Dkt. # 3) is DENIED at this time.
2. No later than September 29, 2022, petitioner James Alfred Smith, Jr. shall pay the \$5 filing fee or submit a certified copy of petitioner's inmate trust fund account statement

for the six-month period from the date of the habeas petition (February 8, 2022 through at least August 8, 2022).

3. If petitioner fails to pay the \$5 filing fee, comply as directed, or show cause for failure to do so, the court will assume the petitioner wishes to withdraw this petition.

Entered this 8th day of September, 2022.

BY THE COURT:

/s/
STEPHEN L. CROCKER
Magistrate Judge